UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

March 30, 2006

PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824
US

Dear Sir/Madam,

Your refund request for 10804505 in the amount of $300.00 has been denied .

We do not refund money on claims that are withdrawn.

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-9010 x177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Altisen, R.C.

SERIAL NO.: 10/804,505 ART UNIT: 1626

FILING DATE: 03/19/2004 EXAMINER: Freistein, A.B.

TITLE: SUBSTITUTED AZETIDINE COMPOUNDS, THERE PREPARATION AND USE AS MEDICAMENTS

ATTORNEY DOCKET NO.: 785-011733-US (PAR)

Refund Section, Accounting Division, Office of Finance
Mail Stop 16
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REFUND TO DEPOSIT ACCOUNT

Sir:

Pursuant to 37 C.F. R. §1.26, Applicant, requests that the amount of $300.00 be refunded to Deposit Account #16-1350. Applicant disputes the charge listed below:

01/30/06 10804505 785-011733-US (PAR) 1202 $300.00

A copy of the Deposit Account statement is attached hereto.

The charge should not have been made. The application was originally filed with 22 claims, only 1 being independent. The amendment filed on 6 Jan 2006 had 6 new dependent claims added although 12 dependent claims were withdrawn. Thus, there is no basis for the charge.

Accordingly the amount of $300.00 should be refunded to Deposit Account #16-1350.

Respectfully submitted,

Geza C. Ziegler, Jr.
Reg. No. 44,004

28 Feb 2004
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Refund Section, Accounting Division, Office of Finance, Mail Stop 16, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 3/16/06

Signature: Lorna Belenchia
Person Making Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Date: 3/6/06

Signature: Ronna Belenchia
Person Making Deposit

United States Patent and Trademark Office

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Deposit Account Statement

Requested Statement Month:	January 2006
Deposit Account Number:	161350
Name:	PERMAN & GREEN
Attention:	WILLIAM G. HOFFMAN
Address:	425 POST ROAD
City:	FAIRFIELD
State:	CT
Zip:	06430
Country:	UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/04	89	11211236	390P0114936-US(PAR)	1251	$120.00	$17,562.71
01/05	3	10019330	442-010757US	1253	$980.00	$16,582.71
01/06	1	10225038	20011254/860	1201	$600.00	$15,982.71
01/06	432	5704153	252-006305-US (PAR)	1552	$2,300.00	$13,682.71
01/06	433	5704153	252-006305-US (PAR)	1555	$130.00	$13,552.71
01/12	2	10108661	324-010888-U	1202	$300.00	$13,252.71
01/13	1	09779979	324-010126-U	1806	$180.00	$13,072.71
01/17	135	10606253	200-007048-US(C02)	1253	$1,020.00	$12,052.71
01/17	136	10606253	200-007048-US(C02)	1202	$400.00	$11,652.71
01/18	1	10159726	390-009059-US(PAR)	1253	$1,020.00	$10,632.71
01/18	9	09856746	297-010346-U	1202	-$1,350.00	$11,982.71
01/18	10	09856746	297-010346-U	1202	$150.00	$11,832.71
01/18	11	09856746	297-010346-U	1201	$1,200.00	$10,632.71
01/19	114	09802621		9204	-$20.00	$10,652.71
01/20	4	09719607	770P009578-U	1252	$450.00	$10,202.71
01/20	9	09802621		9204	-$10.00	$10,212.71
01/20	1507	78795602	1019-002563-US(-TM)	7001	$325.00	$9,887.71
01/24	209	10768556	770-011466-US(PAR)	1251	$120.00	$9,767.71
01/25	3	09842563	297-010153-U	1402	$500.00	$9,267.71
01/25	4	09399288	297-008889-U	1201	$600.00	$8,667.71
01/26	399	10523616		9204	-$100.00	$8,767.71
01/27	1	10023559	460-010760	1201	$200.00	$8,567.71
01/27	2	10023559	460-010760	1202	$50.00	$8,517.71
01/31	1	10804505	385-011283-US	1202	$300.00	$8,217.71
01/31	45	E-REPLENISHMENT		9203	-$5,000.00	$13,217.71

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
$17,682.71	$10,945.00	$6,480.00	$13,217.71

785-011733-US(PAR) GCZ MB 1/6/06

ATTORNEY DOCKET NO. ATTY SECY DATE MAILED

SERIAL NO. 10/804,505 CHECK FOR $

- [x] Amendment (20 page(s))
- [ ] Preliminary Amendment (_____ page(s))
- [ ] Amendment Transmittal
- [ ] Drawings
  - [ ] Formal (_____ sheet(s))
  - [ ] Informal (_____ sheet(s))
  - [ ] Red-line (_____ sheet(s))
- [ ] Sub. of Proposed Drawing Amendment
- [ ] Transmittal of Formal Drawings
- [ ] Certificate of Correction
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- [ ] Request for Corrected Filing Receipt
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- [ ] Change of Attorney's Address in Application

- [x] Certificate of Mailing
- [x] IDS; PTO-1449, references
- [ ] Issue Fee
- [ ] Appeal Brief (in triplicate) (_____ page(s))
- [ ] Assignment
- [ ] Assignment Cover Sheet
- [ ] Declaration & Power of Attorney
- [ ] Notice of Appeal
- [ ] Petition & Fee for Extension of Time
- [ ] Let: Calling Attention To Error in Patent
- [ ] Completion of Filing Requirements
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Receipt is hereby acknowledged of the papers/fees as identified:
Commissioner of Patents & Trademarks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Rosa Cuberes Altisen		
SERIAL NO.:	10/804,505	ART UNIT:	1626
FILING DATE:	03/19/2004	EXAMINER:	Freistein, Andrew B.
TITLE:	SUBSTITIUTED AZETIDINE COMPOUNDS, THEIR PREPARATION AND USE AS MEDICAMENTS		
ATTORNEY DOCKET NO.:	785-011733-US PAR		

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

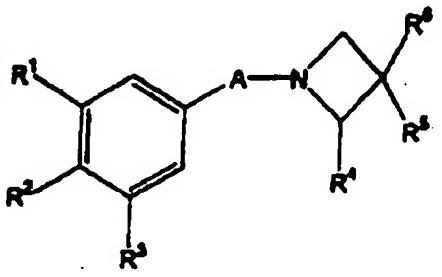
I. INTRODUCTION

This is in response to the Office Action mailed December 6, 2005 in regard to the above-identified patent application.

Please amend the Application as follows:

II. **CLAIM AMENDMENTS**

1. (Currently Amended) Substituted Azetidine compounds of ~~general~~ formula I,



wherein

A represents a -C=O-moiety, a $-CH_2$-moiety, a$-CH_2-C=O$-moiety bonded to the azetidine ring via its carbonyl carbon atom, or a -O-C(=O)-moiety bonded to the azetidine ring via its carbonyl carbon atom,

R^1, R^3, identical or different, represent a hydrogen atom or a linear or branched, saturated or unsaturated C_{1-4}-aliphatic group,

R^2 represents a hydrogen atom, a hydroxyl group or a C_{1-3}-alkoxy group,

or R^1 and R^2 or R^2 and R^3 together form an $-O-CH_2-CH_2-$<u>moiety</u> ~~chain~~, which is optionally substituted with one or more methyl groups

with the proviso that R^1, R^2 and R^3 do not identically represent a hydrogen atom, and if A represents a $-CH_2-$

moiety, then at least two of the residues R^1, R^2 and R^3 do not identically represent a hydrogen atom,

R^4 represents a hydrogen atom, an optionally at least mono-substituted aryl group, or a linear or branched, saturated or unsaturated aliphatic group, which may be substituted by one or more substituents independently selected from the group consisting of hydroxy, fluorine, chlorine, bromine, branched or unbranched C_{1-4}-alkoxy, branched or unbranched C_{1-4}-perfluoroalkoxy and branched or unbranched C_{1-4}-perfluoroalkyl,

R^5 represents a hydrogen atom, a halogen atom, a hydroxyl group, a linear or branched, saturated or unsaturated, optionally at least mono-substituted aliphatic group, an -OR7-moiety, -an $-NH_2$-moiety, a $-CO-NH_2$-moiety, an $-NH-CO-R^8$-moiety, an $-N(OH)-CO-NH_2$-moiety, an $-O(CH_2)_{1-4}-ONO_2$-moiety, an optionally at least mono-substituted aryl group, or a carboxy-group,

R^6 represents a hydrogen atom, a halogen atom, a hydroxyl group, a linear or branched, saturated or unsaturated, optionally at least mono-substituted aliphatic group, an $-OR^7$-moiety, -an $-NH_2$-moiety, a $-CO-NH_2$-moiety, an $-NH-CO-R^8$ -moiety, an $-N(OH)-CO-NH_2$-moiety, an optionally at least mono-substituted aryl group, or a carboxy-group,

R^7, R^8, R^9, R^{10}, independent from one another, represent a linear or branched, saturated or unsaturated, optionally at least mono-substituted aliphatic group,

with the provisos

that if A represents a -(C=O)-moiety, R^4 represents a hydrogen atom and one of the residues R^5 and R^6 represents a hydrogen atom, then the other one of these residues R^5 and R^6 does not represent an $-NH_2$-moiety, a $-CONH_2$-moiety, or a methyl group, which is substituted by an $-NH_2$-moiety or an azaheterocycle, and

if A represents a -C=O-moiety, a $-CH_2-C=O$-moiety bonded to the azetidine ring via its carbonyl carbon atom, or a -O-C(=O)- moiety bonded to the azetidine ring via its carbonyl carbon atom and one of the residues R^5 and R^6 represents a hydrogen atom or an optionally at least mono-substituted, linear or branched, saturated or unsaturated aliphatic group, then the other one of these residues R^5 and R^6 does not represent an $-NH_2$- or a COOH-moiety,

optionally in form of one of the stereoisomers, ~~preferably enantiomers or diastereomers,~~ a racemate or in form of a mixture of at least two of the stereoisomers, ~~preferably enantiomers and/or diastereomers,~~ in any mixing ratio, or a corresponding salt thereof, or a corresponding solvate thereof.

2. (Original) Compounds according to claim 1, characterized in that R^1 and R^3, identical or different, represent a hydrogen atom or a linear or branched C_{1-4}-alkyl group.

3. (Currently Amended) Compounds according to claim 1, characterized in that R^1 and R^3 are identical and represent a C_{1-4}- alkyl group, ~~preferably a C_{3-4}- alkyl group, more preferably an iso-propyl group or a tert.-Butyl group~~.

4. (Previously Presented) Compounds according to claim 1, characterized in that R^2 represents a hydrogen atom, a hydroxyl group or a methoxy group.

5. (Previously Presented) Compounds according to claim 1, characterized in that R^4 represents a hydrogen atom, an optionally at least mono-substituted phenyl group, or a linear or branched, saturated or unsaturated C_{1-6} aliphatic group, whereby said aliphatic group may be substituted by one or more substituents independently selected from the group consisting of hydroxy, fluorine, chlorine, bromine, branched or unbranched C_{1-4}- alkoxy, branched or unbranched C_{1-4}-perfluoroalkoxy and branched or unbranched C_{1-4}-perfluoroalkyl, preferably a hydrogen atom, a methyl group or an unsubstituted phenyl group.

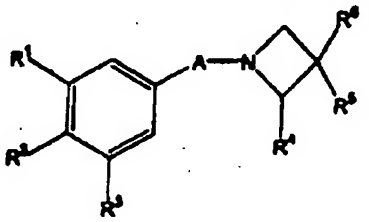
6. (Currently Amended) Compounds according to claim 5, characterized in that R^5 represents a hydrogen atom, a halogen atom, a hydroxyl group, a linear or branched, saturated or unsaturated, optionally at least mono-substituted C_{1-6} aliphatic group, an $-NH_2$-moiety, a $-CO-NH_2$-moiety, an $-NH-CO-R^8$-moiety, an $-N(OH)-CO-NH_2$-moiety, an $-O(CH_2)_4-ONO_2$-moiety, an optionally at least mono-substituted phenyl group, or a carboxy-group, ~~preferably~~ a hydrogen atom, a bromine atom, a hydroxyl group, an $-NH_2$-moiety, a $-CO-NH_2$-moiety, an $-NHCO-R^8$-moiety, an $-N(OH)-CO-NH_2$-moiety, an $-O(CH_2)_4-ON\ O_2$- moiety, an unsubstituted phenyl group, or a carboxy-group.

7. (Currently Amended) Compounds according to claim 1, characterized in that R^6 represents a hydrogen atom, a halogen atom, a hydroxyl group, a linear or branched,

saturated or unsaturated, optionally at least mono-substituted C_{1-6} aliphatic group, an $-NH_2$-moiety, a $-CO-NH_2$-moiety, an $-NH-CO-R^8$-moiety, an $-N(OH)-CO-NH_2$-moiety, an optionally at least mono-substituted phenyl group, or a carboxy- group, ~~preferably a hydrogen atom, a hydroxyl group or a methyl group~~.

8. (Currently Amended) Compounds according to claim 1, characterized in that R^7, R^8, R^9, R^{10}, independent from one another, represent a linear or branched, saturated or unsaturated, optionally at least mono-substituted C_{1-6} aliphatic group, ~~preferably a linear or branched C_{1-6} alkyl group, more preferably a methyl group or an ethyl group~~.

9. (Currently Amended) Compounds according to claim 1 of ~~general~~ formula I



wherein

A represents a $-C=O$-moiety, a $-CH_2$-moiety, a $-CH_2-C=O$-moiety bonded to the azetidine ring via its carbonyl carbon atom, or a $-O-C(=O)$-moiety bonded to the azetidine ring via its carbonyl carbon atom,

R^1, R^3 both identically represent an iso-propyl group or a tert-butyl group,

R^2 represents a hydrogen atom, a hydroxyl group or a methoxy group,

or R^1 and R^2 or R^2 and R^3 together form an $-Q-CH_2-C(CH_3)_2-$ chain, whereby the oxygen atom of said chain is bonded to the 4- position of the phenyl ring,

R^4 represents a hydrogen atom, a methyl group or an unsubstituted phenyl group,

R^5 represents a bromine atom, a hydroxyl group, -an $-NH_2-$ moiety, a $-CO-NH_2-$moiety, an $-NH-CO-CF_3-$moiety, an $-N(OH)-CO-NH_2-$moiety, an $-O(CH_2)_4ONO_2-$moiety, an unsubstituted phenyl group, or a carboxy-group,

R^6 represent a hydrogen atom, a methyl group or a hydroxyl group,

optionally in form of one of the stereoisomers, ~~preferably enantiomers or diastereomers~~, a racemate or in form of a mixture of at least two of the stereoisomers, ~~preferably enantiomers and/or diastereomers,~~ in any mixing ratio, or a corresponding salt thereof, or a corresponding solvate thereof.

10. (Previously Presented) Compounds according to claim 1 selected from the group consisting of

[1] (3,5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-azetidin-1-yl)-methanone;

[2] (3,5-di-tert-butyl-phenyl)-(3-hydroxy-azetidin-1-yl)-methanone;

[3] (3,5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-3-methyl-azetidin-1-yl)-methanone;

[4] (3,5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-2-methyl-azetidin-1-yl)-methanone;

[7] (3-Bromo-azetidin-1-yl)-(3,S-di-tert-butyl-4-hydroxy-phenyl)-methanone;

[9] (3,5-di-tert-butyl-4-methoxy-phenyl)-(3-hydroxy-azetidin-1-yl)-methanone;

[10] (3-hydroxy-azetidin-1-yl)-(4-hydroxy-3,S-diisopropyl-phenyl)-methanone;

[11] (3,5-di-tert-butyl-phenyl)-[3-(4-nitrooxy-butoxy)-azetidin-1-yl]-methanone;

[12] (3,5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-2-phenyl-azetidin-1-yl)-methanone;

[13] (3,5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-3-phenyl-azetidin-1-yl)methanone;

[14] (7-tert-butyl-3,3-dimethyl-2-3-dihydro-benzofuran-S-yl)-(3-hydroxy-azetidin-1-yl)-methanone;

[15] [1-(3,5-di-tert-butyl-4-hydroxy-benzyl)-azetidin-3-yl]-N-hydroxy-urea;

[16] N-[1-(3,5-di-tert-butyl-4-hydroxy-benzoyl)-(2S,3R)-2-methyl-azetidin-3-yl]-2,2,2-trifluoro-acetamide;

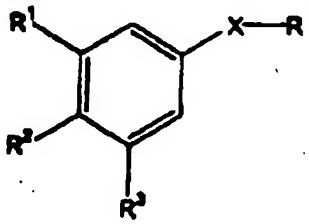
[17] 1-(3,5-di-tert-butyl-4-hydroxy-benzyl)-azetidin-3-ol;

[18] 2-(3,5-di-tert-butyl-4-hydroxy-phenyl)-1-(3-hydroxy-azetidin-1-yl)-ethanone;

[19] (3-hydroxy-azetidine-1-carboxylicacid)-3,5-di-tert-butyl-phenyl ester

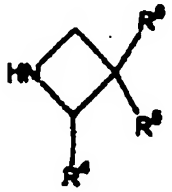
optionally in form of a corresponding salt or a corresponding solvate.

11. (Withdrawn) Process for the preparation of substituted azetidine compounds of general formula I according to of claim1, characterized in that at least one compound of general formula II,



II

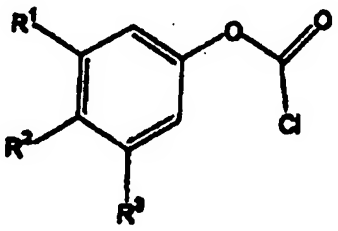
wherein R1-R3 have the meaning according to claim1, X represents a bond or an -(CH_2)-moiety and R represents a carboxy group or an activated carbonyl group, is reacted with at least one compound of general formula III,



III

optionally in the form of a corresponding salt, wherein R^4-R^6 have the meaning according to claim 1, to yield a compound of general formula I according to claim 1, wherein A represents a -(C=O)-moiety or an -(CH_2)-CO-moiety, which is optionally purified and/or optionally isolated,

and optionally at least one compound of general formula I according to claim 1, wherein A represents a -(C=O)-moiety is reduced to yield at least one compound of general formula I according to claim 1, wherein A represents a .-(CH_2)-moiety, which is optionally purified and/or isolated, or at least one compound of general formula IV,



IV

wherein R^1-R^3 have the meaning according to claim 10, is reacted with at least one compound of general formula III given above, to yield at least one compound of general formula I according to claim 1, wherein A represents an O-(C=O)-moiety, and said compound is optionally purified and/or optionally isolated.

12. (Withdrawn) Medicament comprising at least one substituted azetidine compound according to of claim 1 and optionally one or more pharmaceutically acceptable excipients.

13. (Withdrawn) Medicament according to claim 12 for the inhibition of Cyclooxygenase-1, for the prophylaxis and/or treatment of Cyclooxygenase-1 related disorders, for the inhibition of Cyclooxgenase-2 and/or for the prophylaxis and/or treatment of Cyclooxygenase-2 related disorders. 11

14. (Withdrawn) Medicament according to claim 12 for the prophylaxis and/or treatment of pain, for the prophylaxis and/or treatment of inflammation and/or for the prophylaxis and/or treatment of inflammation related disorders, whereby said inflammation-related disorders may preferably be selected from the group consisting of arthritis, rheumatoid arthritis, spondyloarthropathies, gouty arthritis, osteoarthritis, systemic lupus erythematosus, juvenile arthritis, rheumatic fever, symptoms associated with influenza or other viral infections, common cold, lower back pain, neck pain, dysmenorrhea, headache, toothache, sprains, strains, myositis, neuralgia, synovitis, gout, ankylosing spondylitis, bursitis, edema, inflammations following dental procedures, inflammations following dental procedures, vascular diseases, migraine headaches, periarteritis nodosa, thyroiditis, aplastic anemia, Hodkin's disease, sclerodoma, type I diabetes, myasthenia gravis, sarcoidosis, nephrotic syndrome, Behcet's syndrome. polymyositis, gingivitis, hypersensivity, conjunctivitis, swelling ocurring after injury and myocardia ischemia, for the prophylaxis and/or treatment of asthma, for the prophylaxis and/or treatment of bronchitis, for the prophylaxis and/or treatment of tendinitis, for the prophylaxis and/or treatment of bursitis, for the prophylaxis and/or treatment of skin related conditions, whereby said skin related conditions may preferably be selected from the group consisting of psoriasis, eczema, burns and dermatitis, for the prophylaxis and/or treatment of gastrointestinal disorders, whereby said gastrointestinal disorders may preferably be selected from the group consisting of inflammatory bowel disease, Crohn's

disease, gastritis, irritable bowel syndrome and ulcerative colitis, or for treatment of fever, or for the propylaxis and/or treatment of cancer or a cancer-related disorders, whereby said cancer or related disorder may preferably be selected from the group consisting of brain cancer, bone cancer, epithelial cell-derived neoplasia (epithelial carcinoma), basal cell carcinoma, adenocarcinoma, gastrointestinal cancer, lip cancer, colon cancer, liver cancer, bladder cancer, pancreas cancer, ovary cancer, cervical cancer, lung cancer, breast cancer, skin cancer, squamous cell cancer, prostate cancer, renal cell carcinoma and other known cancers that effect epithelial cells throughout the body, for the prophylaxis and/or treatment of polyps, for the prophylaxis and/or treatment of angiogenesis mediated disorders, preferably selected from the group consisting of metastasis, corneal graft rejection, ocular neovascularization, retinal neovascularisation, diabethic retinopathy, retrolenital fibroplasia, neovascular glaucoma, gastric ulcer, infantile hemaginomas, angiofibroma of the nasopharynx, avascular necrosis of the bone and endometriosis.

15. (Withdrawn) Medicament according to claim 12 for the prophylaxis and/or treatment of pain.

16. (Withdrawn) Medicament according to claim 12 for the prophylaxis and/or treatment of inflammation.

17. (Withdrawn) Medicament according to claim12 for the prophylaxis and/or treatment of inflammation related disorders, whereby said inflammation- related disorders may preferably be selected from the group consisting of

arthritis, rheumatoid arthritis, spondyloarthropathies, gouty arthritis, osteoarthritis, systemic lupus erythematosus, juvenile arthritis, rheumatic fever, symptoms associated with influenza or other viral infections, common cold, lower back pain, neck pain, dysmenorrhea, headache, toothache, sprains, strains, myositis, neuralgia, synovitis, gout, ankylosing spondylitis, bursitis, edema, inflammations following dental procedures, inflammations following dental procedures, vascular diseases, migraine headaches, periarteritis nodosa, thyroiditis, aplastic anemia, Hodkin's disease, sclerodoma, type I diabetes, myasthenia gravis, sarcoidosis, nephrotic syndrome, Behcet's syndrome, polymyositis, gingivitis, hypersensivity, conjunctivitis, swelling ocurring after injury and myocardia ischemia.

18. (Withdrawn) Use of at least one substituted azetidine compound according to claim 1 and optionally one or more pharmaceutically acceptable excipients, for the preparation of a medicament for the inhibition of Cyclooxygeflase-1, for the prophylaxis and/or treatment of Cyclooxygenase-1 related disorders, for the inhibition of Cyclooxgenase-2 and/or for the prophylaxis and/or treatment of Cyclooxygenase-2 related disorders.

19. (Withdrawn) Use of at least one substituted azetidine compound according to claim 1 and optionally one or more pharmaceutically acceptable excipients for the prophylaxis and/or treatment of pain, for the prophylaxis and/or treatment of inflammation and/or for the prophylaxis and/or treatment of inflammation related disorders,

whereby said inflammation-related disorders may preferably be selected from the group consisting of arthritis, rheumatoid arthritis, spondyloarthropathies, gouty arthritis, osteoarthritis, systemic lupus erythematosus, juvenile arthritis, rheumatic fever, symptoms associated with influenza or other viral infections, common cold, lower back pain, neck pain, dysmenorrhea, headache, toothache, sprains, strains, myositis, neuralgia, synovitis, gout, ankylosing spondylitis, bursitis, edema, inflammations following dental procedures, inflammations following dental procedures, vascular diseases, migraine headaches, periarteritis nodosa, thyroiditis, aplastic anemia, Hodkin's disease, sclerodoma, type I diabetes, myasthenia gravis, sarcoidosis, nephrotic syndrome, Behcet's syndrome, polymyositis, gingivitis, hypersensivity, conjunctivitis, swelling ocurring after injury and myocardia ischemia, for the prophylaxis and/or treatment of asthma, for the prophylaxis and/or treatment of bronchitis, for the prophylaxis and/or treatment of tendinitis, for the prophylaxis and/or treatment of bursitis, for the prophylaxis and/or treatment of skin related conditions, whereby said skin related conditions may preferably be selected from the group consisting of psoriasis, eczema, burns and dermatitis, for the prophylaxis and/or treatment of gastrointestinal disorders, whereby said gastrointestinal disorders may preferably be selected from the group consisting of inflammatory bowel disease, Crohn's disease, gastritis, irritable bowel syndrome and ulcerative colitis, or for treatment of fever, or for the prophylaxis and/or treatment of cancer or a cancer-related disorders, whereby said cancer or related disorder may preferably be

selected from the group consisting of brain cancer, bone cancer, epithelial cell-derived neoplasia (epithelial carcinoma), basal cell carcinoma, adenocarcirioma, gastrointestinal cancer, lip cancer, colon cancer, liver cancer, bladder cancer, pancreas cancer, ovary cancer, cervical cancer, lung cancer, breast cancer, skin cancer, squamous cell cancer, prostate cancer, renal cell carcinoma and other known cancers that effect epithelial cells throughout the body, for the prophylaxis and/or treatment of polyps, for the prophylaxis and/or treatment of angiogenesis mediated disorders, preferably selected from the group consisting of metastasis, corneal graft rejection, ocular neovascularization, retinal neovascularisation, diabethic retinopathy, retrolental fibroplasia, neovascular glaucoma, gastric ulcer, infantile hemaginomas, angiofibroma of the nasopharynx, avascular necrosis of the bone and endometriosis.

20. (Withdrawn) Use of at least one substituted azetidine compound according to claim 1 and optionally one or more pharmaceutically acceptable excipients for the prophylaxis and/or treatment of pain.

21. (Withdrawn) Use of at least one substituted azetidine compound according to claim 1 and optionally one or more pharmaceutically acceptable excipients for the prophylaxis and/or treatment of inflammation.

22. (Withdrawn) Use of at least one substituted azetidine compound according to claims 1 and optionally one or more pharmaceutically acceptable excipients for the prophylaxis and/or treatment of inflammation related disorders, whereby

said inflammation-related disorders may preferably be selected from the group consisting of arthritis, rheumatoid arthritis, spondyloarthropathies, gouty arthritis, osteoarthritis, systemic lupus erythematosus, juvenile arthritis, rheumatic fever, symptoms associated with influenza or other viral infections, common cold, lower back pain, neck pain, dysmenorrhea, headache, toothache, sprains, strains, myositis, neuralgia, synovitis, gout, ankylosing spondylitis, bursitis, edema, inflammations following dental procedures, inflammations following dental procedures, vascular diseases, migraine headaches, periarteritis nodosa, thyroiditis, aplastic anemia, Hodkin's disease, sclerodoma, type I diabetes, myasthenia gravis, sarcoidosis, nephrotic syndrome, Behcet s syndrome, polymyositis, gingivitis, hypersensivity, conjunctivitis, swelling ocurring after injury and myocardia ischemia.

23. (New) Compounds according to claim 1 where the stereoisomers are enantiomers or diastereomers.

24. (New) Compounds of claim 3 where the C_{1-4}- alkyl group, is a C_{3-4} alkyl group.

25. (New) Compounds of claim 3 where a C_{1-4}- alkyl group, is an iso-propyl group or a tert.-Butyl group.

26. (New) Compounds of claim 1 where R^6 represents a hydrogen atom, a hydroxyl group or a methyl group.

27. (New) Compounds according to claim 1, characterized in that R^7, R^8, R^9, R^{10}, independent from one another, represent a –linear or branched C_{1-6} alkyl group.

28. (New) Compounds according to claim 1, characterized in that R^7, R^8, R^9, R^{10}, independent from one another, represent a methyl group or an ethyl group.

III. REMARKS

Claims 1-28 are currently pending in the instant application. Claims 11-22 have been withdrawn. Claims 23-28 have been added.

Election/Restrictions

The examiner states that the Markush Group set forth in the claims includes both independent and distinct inventions, and patentably distinct compounds (species) within each invention far too numerous to list individually. Further, the examiner states that each of these inventions contains a plurality of patentably distinct compounds, which are too numerous to list individually. The examiner has therefore required restriction pursuant to 35 U.S.C. § 121 to one of the following inventions:

I. Claims 1-10, drawn to compounds of formula (I), classified class 548, subclasses 950, 952 and 953.

II. Claim 11, drawn to a process for preparing compounds of formula I, classified in class 548, subclasses 950,952 and 953.

III. Claims 12-11, drawn to a medicament comprising at least one azetidine compound of claim 1 and optionally one or more pharmaceutically acceptable carriers, classified in class 514, subclass 210.17.

IV. Claims 18-22, drawn to the use of at least one substituted azetidine compounds according to claim 1, classified in class 514, subclass 210.17.

Applicant elects group I, claims 1-10.

The examiner has also required election of a single species. In response, applicant elects (3, 5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-azetidin-1-yl)-methanone, which is the first identified compound in claim 10.

Material identified as preferred in the pending claims has been removed and placed in new dependent claims.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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6 JAN 2006
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